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**FACSIMILE TRANSMISSION**

DATE: NOVEMBER 10, 2005

TO: Hard Copy to Follow via Mail: NO

NAME	FAX NO.	PHONE NO.
USPTO Examiner Esther O. Okezie Group Unit: 3654	571-273-8300	571-272-8108

FROM: Jacquelyn Campbell - 2279

RE: U.S. Patent Application No. 10/678901  
Crown Neck Container Gripping Device  
David Tye

CLIENT/MATTER NO.: 021878.0005US1

NUMBER OF PAGES, INCLUDING COVER: 9

MESSAGE:

Please see the attached Response to Office Action. Thanks.

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Practitioner's Docket No. 021878.0005US1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David Tye

Application No.: 10/678,901

Group No.: 3654

Filed: 10/02/2003

Examiner: Okezie, Esther

For: CROWN NECK CONTAINER GRIPPING DEVICE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

## STATUS

2. Applicant is a small entity. A statement was already filed.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

Fee: \$225.00

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

A facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300

Date: 11/10/05

Signature

Jacquelyn Campbell

(type or print name of person certifying)

\* Only the date of filing ("1 b") will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under "1 8 continues to be taken into account in determining timeliness. See "1.703(f). Consider "Express Mail Post Office to Addressee" ("1 10) or facsimile transmission ("1 6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

11/14/2005 ZJUHR1 00000012 502191 10678901

Amendment Transmittal--page 1 of 2

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## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	7	- 20	= 0	x \$ 25.00	= \$		0.00
INDEP.	2	- 3	= 0	x \$ 100.00	= \$		0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$		0.00
				TOTAL			
				ADDIT. FEE	\$		0.00

No additional fee for claims is required.

## FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$225.00 to Deposit Account No. 502191.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## FEE DEFICIENCY

6. If an additional extension and/or fee is required, charge Account No. 502191.

If an additional fee for claims is required, charge Account No. 502191.

Date: NOV. 10, 2005



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Amendment Transmittal—page 2 of 2

Inventor: Tye, David  
Serial No.: 10/678,901  
Atty Dkt. No.: 021878.0005US1

Art Unit: 3654  
Examiner: Esther O. Okezie

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231**

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Inventor: **Tye, David**  
Serial No: **10/678,901**  
Filed: **10/02/2003**  
For: **Crown Neck Container Gripping  
Device**

Examiner: **Esther O. Okezie**  
Art Unit: **3654**  
Attorney Docket No.: **021878.0005US1**

**RESPONSE TO FINAL OFFICE ACTION**

Box Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir or Madam:

This paper responds to the Office Action dated June 16, 2005.

**Summary of informal telephone interview begin on page 2 of this paper.**

**Request to withdraw finality of office action begin on page 2 of this paper.**

Please amend the above -identified application as follows:

**Amendments to the Claims begin on page 3 of this paper.**

**Remarks/Arguments begin on page 5 of this paper.**

Inventor: Tye, David  
Serial No : 10/678,901  
Atty Dkt No. 021878.0005US1

Art Unit: 3654  
Examiner: Esther O. Okczie

### **INFORMAL TELEPHONE INTERVIEW**

An informal telephone interview took place on October 20, 2005. The applicant requested that the finality of the last office action be withdrawn. The Examiner agreed and asked that the applicant send a formal response with such request. Please see below request.

### **REQUEST TO WITHDRAW FINALITY OF OFFICE ACTION**

Dear Examiner,

As per our telephone conversation on October 20, 2005, the applicant hereby requests that the finality of the previous Office Action be withdrawn.

The examiner stated in the Final Office Action that the office action was made final because applicant's amendment necessitated new grounds of rejection. The applicant respectfully disagrees. The previous office action introduced new grounds of rejection on newly cited art where the amendment should have been reasonably expected. Further, the amendment should have been reasonably expected by the Examiner because the Examiner had advised that allowable subject matters in claims 6, 7, and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant hereby requests that the finality of the last office action be withdrawn.